

REISSUE APPLICATION DECLARATION BY THE ASSIGNEE

Docket Number (Optional)

7540.10

I hereby declare that:

Each inventor's residence, mailing address and citizenship are stated below next to their name.

I believe the inventors named below to be the original and first inventor(s) of the subject matter which is described and claimed in patent number 6,032,128 granted February 28, 2000 and for which a reissue patent is sought on the invention entitled METHOD AND APPARATUS FOR DETECTING ITEM

PLACEMENT AND ITEM REMOVAL DURING OPERATION OF A SELF-SERVICE CHECKOUT TERMINAL

the specification of which

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is attached hereto.

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was filed on February 27, 2002 as reissue application number 10/084,588

and was amended on February 27, 2002 and April 28, 2009

(If applicable)

I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56.

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I hereby claim foreign priority benefits under 35 U.S.C. 119(a)-(d) or (f), or 365(b). Attached is form PTO/SB/02B (or equivalent) listing the foreign applications.

I verily believe the original patent to be wholly or partly inoperative or invalid, for the reasons described below. (Check all boxes that apply.)

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by reason of a defective specification or drawing.

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by reason of the patentee claiming more or less than he had the right to claim in the patent.

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by reason of other errors.

At least one error upon which reissue is based is described below. If the reissue is a broadening reissue, such must be stated with an explanation as to the nature of the broadening:

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This collection of information is required by 37 CFR 1.175. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

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(REISSUE APPLICATION DECLARATION BY THE INVENTOR, page 2)

Docket Number (Optional)
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All errors corrected in this reissue application arose without any deceptive intention on the part of the applicant. As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the United States Patent and Trademark Office connected therewith.

Name(s)	Registration Number
Douglas S. Foote	31013
Paul W. Martin	34870
Michael Chan	33663
James M. Stover	32759

Correspondence Address: Direct all communications about the application to:

☒ Customer Number 26884

Type Customer Number here



<input type="checkbox"/> Firm or Individual Name			
Address			
Address			
City	State	Zip	
Country			
Telephone	Fax		
<p>I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine and imprisonment, or both, under 18 U.S.C. 1001, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this declaration is directed.</p>			
Full name of sole or first inventor (given name, family name) James Morrison			
Inventor's signature	James Morrison		Date 4-28-09
Residence	USA		Citizenship UK
Mailing Address 6410 JONES CREEK CT. SUWANEE, GA, USA 30024			
Full name of second joint inventor (given name, family name) Dusty L. Lutz			
Inventor's signature	Dusty Lutz		Date 5-4-09
Residence	USA		Citizenship USA
Mailing Address 3490 Mill Valley Dr. Decatur GA 30019			
Full name of third joint inventor (given name, family name)			
Inventor's signature		Date	
Residence		Citizenship	
Mailing Address			
<input type="checkbox"/> Additional joint inventors are named on separately numbered sheets attached hereto.			

REISSUE DECLARATION, continued from page 1

The error upon which Applicants are relying to support the Reissue Application is that of claiming less than they had the right to claim in the above identified Patent 5,967,264 ("the '264 patent").

Applicants failed to appreciate the full scope of the invention. Applicants also believe that they are entitled to additional claims of greater scope.

For example, Applicants now believe that the step of "determining a second identification code" and matching product identification codes as a condition to generation of a wrong-item-removed control signal in Independent claim 1 is unnecessarily limiting.

Applicants failed to appreciate that they could claim a method as in new claim 22 including creating a transaction level weight database during a checkout procedure which includes records corresponding to input items entered into the terminal during a checkout procedure, the records including input weight values corresponding to the weights of the input items; retrieving the input weight value from the transaction level weight database in response to a voiding of the entry of the corresponding input item; detecting a removal weight of an input item removed from a weight scale, and generating a removal weight value in response thereto; and generating a wrong-item-removed control signal if the retrieved input weight value does not match the removal weight value for the removed input item.